

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

DENNIS MONTGOMERY, et al.,)	3:06-CV-0056-PMP-VPC
)	
Plaintiff(s),)	<u>MINUTES OF PROCEEDINGS</u>
)	
vs.)	
)	DATED: August 19, 2008
ETREPPID TECHNOLOGIES,)	
et al.,)	
)	
Defendant(s).)	
_____)	

PRESENT: THE HONORABLE VALERIE P. COOKE, MAGISTRATE JUDGE
Deputy Clerk: Lisa Mann Court Reporter: Kathryn M. French
Counsel for Plaintiff(s): Randall Sunshine and Ellyn Garofalo
Counsel for Defendant(s): Stephen Peek and Jerry Snyder
Counsel for Counter Defendant(s): Bridgett Robb Peck and (Telephonically) Gregory Schwartz
Counsel for Interested Party: Carlotta Wells

PROCEEDINGS: CONTINUED ORDER TO SHOW CAUSE HEARING

9:07 a.m. Court convenes.

The Court advises the parties that these proceedings shall commence promptly at 9:00 a.m. as ordered by the Court.

Ms. Garofalo advises the Court that the plaintiff is now in possession of the original PST files and the Len Glogauer PST file and further advises that counsel have potentially resolved this issue. However, there may be some information subject to the United States' protective order; therefore, Ms. Garofalo has conferred with counsel for the government and shall be able to report to the Court by the end of the day that the parties have resolved this issue and that the hard drives shall be produced forthwith to defendants.

Dennis Montgomery, previously sworn testifies on cross examination by defendants.

Defendants' exhibits 8 and 20 are admitted.

9:52 a.m. Court recesses.

9:57 a.m. Court reconvenes.

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Defendants continue cross examination of the witness.

Defendants' exhibit 31 and 32 are admitted.

Defendants' exhibit 47 is marked.

Mr. Montgomery is excused.

Mr. Peek requests that defendants' exhibits 1, 6, 9, 45, 46, and 47 be admitted.

Ms. Garofalo objects to the admittance of defendants' exhibit 45 and makes an oral request to review the balance of the exhibits at the noon hour.

IT IS ORDERED that defendants' exhibit 45 is admitted.

During the noon hour, counsel are directed to review the balance of defendants' marked exhibits concerning any stipulation or objection to admittance of those exhibits.

Ms. Robb Peck addresses the Court regarding the renumbering of defendants exhibits as stated by Mr. Peek at yesterday's hearing.

Mr. Peek advises that defendants' exhibit 31 is now defendants' exhibit 38.

10:30 a.m. Court recesses.

10:40 a.m. Court reconvenes.

Jonathan Karchmer, called on behalf of the defendants is sworn and testifies on direct examination.

Defendants' exhibit 48 is marked and admitted.

Defendants' exhibit 49 is marked and admitted.

Mr. Karchmer is excused.

11:59 a.m. Court recesses.

1:30 p.m. Court reconvenes.

By: /s/
Lisa Mann, Deputy Clerk